



ARKANSAS SENTENCING COMMISSION

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Impact Assessment for HB1551 **Sponsored by Representative Gazaway**

Subtitle TO AMEND THE LAW CONCERNING CRIMINAL ABORTION

Impact Summary¹ Minimal. While the proposed bill creates a new felony criminal offense for which the likely number of occurrences is unknown, there are currently zero (0) offenders serving a period of sentence in the Division of Correction for similar conduct.

Change from Current Law² Amends Title 5 of Arkansas Code Annotated (A.C.A.) by adding an additional section, A.C.A. § 5-61-103, Coerced criminal abortion by means of fraud. Under the proposed bill, a person commits coerced criminal abortion by fraud if he or she knowingly administers or gives an abortion-inducing drug to a pregnant woman without her knowledge or consent with the purpose to cause an abortion. Upon conviction, it is a Class C felony or a Class B felony if the gestational age of the unborn child is more than three (3) months. Under current similar law, specifically A.C.A. § 5-61-102, Unlawful abortion, it is unlawful for a person to administer any medicine or drug to any pregnant woman with the intent to produce an abortion or premature delivery of any fetus. [See attached for complete reproduction] This offense is a Class D felony but does not have a fraud component.

Impact Information The proposed bill creates a new felony criminal offense.

The Administrative Office of the Courts (AOC) reports that for the three (3) year period beginning January 1, 2022 and ending December 31, 2024, there were zero (0) convictions for a violation of A.C.A. § 5-61-102, Unlawful abortion.

The Division of Correction (ADC) reports that there are currently zero (0) offenders serving a sentence for A.C.A. § 5-61-102, Unlawful abortion.

While the impact of the creation of a new felony offense cannot be determined with certainty, the lack of reported convictions and sentences for existing similar conduct with fewer elements makes it unlikely that the proposed bill will have anything more than a minimal impact on existing correctional resources.

¹ This impact assessment was prepared 3/3/2025 12:16 PM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC costs; and “major” = would require budgetary increases for ADC costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y 10-40 years or life
Class A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors
Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500

Document: A.C.A. § 5-61-102

A.C.A. § 5-61-102

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Current through all legislation of the 2024 Fiscal Session and the Second Extraordinary Session (2024)

[Arkansas Code Annotated PAW - ET Table of Contents](#) [Title 5 Criminal Offenses](#) [Subtitle 6. Offenses Against Public Health, Safety, or Welfare](#) [Chapter 61 Abortion](#) [Subchapter 1 – General Provisions](#)

5-61-102. Unlawful abortion.

- (a)** It is unlawful for any person to administer or prescribe any medicine or drug to any woman with child with the intent to produce an abortion or premature delivery of any fetus before or after the period of quickening or to produce or attempt to produce the abortion by any other means.
- (b)** Any person violating a provision of this section is guilty of a Class D felony.
- (c)** Nothing in this section shall be construed to allow the charging or conviction of a woman with any criminal offense in the death of her own unborn child in utero.

History

Acts 1969, No. 61, § 1; A.S.A. 1947, § 41-2553; Acts 1999, No. 1273, § 5; 2005, No. 1994, § 428.

Arkansas Code of 1987 Annotated Official Edition

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